

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

VS.

RANDY S. DELANO,

Defendant.

CASE NO. 1:07-CR-566

ORDER
[Resolving Doc. No. [115](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Defendant Randy Delano asks the Court to appoint counsel to help him prepare a 28 U.S.C. § 2255 habeas petition. Delano says that due to his lack of understanding and the complexity of his case, counsel should be appointed for him. [Doc. 115.]

The Constitution does not require the assistance of counsel in habeas corpus proceedings. *Douglas v. Maxwell*, 357 F.2d 320, 321 (6th Cir.1966). Unless an evidentiary hearing will be held, appointment of counsel is not required by 18 U.S.C. § 3006A(a)(2), and the lack of complexity of the case is a factor weighing against the discretionary appointment of counsel. *See Hollingsworth v. Sheets*, 2:10-CV-046, 2010 WL 2571054, at *1 (S.D. Ohio June 22, 2010).

Defendant Delano has not identified any particular issue that he believes is overly complex or that will support his petition; he instead makes a general allegation that there are “numerous” issues to investigate. The Court itself does recall anything in the case warranting the appointment of counsel. The interests of justice therefore do not support the appointment of counsel at this time:

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the Court **DENIES** the Defendant's motion. Should the Defendant raise issues in his habeas petition that warrant appointment of counsel, the Court will, upon a renewed motion, revisit its decision.

IT IS SO ORDERED.

Dated: July 21, 2011

s/ James S. Gwin
JAMES S. GWIN
UNITED STATES DISTRICT JUDGE